

MILPERSMAN 1430-020

ADVANCEMENT AFTER REDUCTION IN RATE

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References	(a) BUPERSINST 1430.16F
	(b) 10 U.S.C. Chapter 47, Uniform Code of Military Justice (UCMJ)
	(c) COMNAVCRUITCOMINST 1130.8J

1. Policy

a. Restoration of rate to pay grades E-4 through E-6 is intended to provide an opportunity for outstanding Sailors to recover from the impact of being reduced in rate at nonjudicial punishment (NJP). Only Sailors who have demonstrated sustained superior performance after NJP should be submitted for restoration of rate.

b. Commanding officers (CO) may decline a Sailor's request with no further action required.

c. Advancement after reduction in rate should not be used in lieu of the Navy advancement process unless the Sailor's performance clearly warrants such special consideration. Specifically, this article should not be used to prevent a Sailor from being separated based on the established high year tenure date.

d. Sailors should continue to pursue advancement via the Navy advancement process even after submitting a request for restoration of rate.

2. Reinstatement to Pay Grades E-2 and E-3. As outlined in reference (a), COs have the authority to reinstate members to E-2 or E-3 (one pay grade only) any time after reduction in rate, without referral to higher authority.

3. **Eligibility Criteria for Restoration**

a. **Sailors are eligible to submit a request if**

(1) found guilty and reduced in rate at NJP for minor infraction(s) of reference (b), article 15;

(2) reduction in rate was for one pay grade only; and

(3) they have clearly demonstrated to their CO by their post-NJP performance that they should be considered for restoration of rate.

b. **Sailors are ineligible to submit a request if**

(1) found guilty and reduced in rate at NJP for more than one specification of a charge under reference (b), article 15 (e.g., multiple occasions);

(2) reduced in rate at a summary, special, or general courts martial;

(3) administratively reduced in rate as a result of broken service or recalled to active duty per reference (c); or

(4) reduced in rate as a result of a

(a) vacated or previously suspended sentence;

(b) drug related offense;

(c) sexual assault or harassment offense;

(d) operating a vehicle under the influence of alcohol or drugs (e.g., driving under the influence, driving while intoxicated) where such action resulted in personal injury or property damage;

(e) substantiated domestic violence or abuse, child Abuse, or child pornography; or

(f) an intentional act that could have jeopardized the safety of the command or any part of its crew.

4. **Matters Considered.** A member's entire service record and CO's endorsement will be reviewed when a request for restoration of rate is received.

5. **When Applications May be Submitted.** Applications may be submitted from 12 months up to 36 months after imposition of NJP. Applications submitted before or after the time period will not be considered.

6. **Application Procedures.** Sailors who desire restoration of rate must submit a letter of request via their current CO for endorsement to Navy Personnel Command (NAVPERSCOM), Reserve Enlistment Programs & Navy Enlisted Advancement Section (PERS-812).

7. **CO's Endorsement**

a. CO's endorsement should be guided by the perspective of a senior officer and provide a reflection upon the professional quality of a leader in our Navy. Requests for restoration of rate endorsements shall have the following set forth in detail (any endorsement that lacks the detail in its entirety will not be considered):

(1) An evaluation of the professional performance of the Sailor, a detailed justification for the restoration in rate, and an assessment of the Sailor's potential for future service;

(2) The underlying event or misconduct and its impact on the command and any possible victim(s);

(3) An assessment of any extenuating/mitigating circumstances;

(4) How the recommendation to restore rate supports our Navy Ethos; and

(5) Why other means of restoration were not deemed sufficient (e.g., NJP set-aside or mitigation).

b. The following information shall be supplied by the command as enclosures to the request:

(1) A summary of the offense for which the Sailor received punishment, either through a statement, extracted from

the unit punishment book, or a copy of NAVPERS 1626/7 Report and Disposition of Offense(s);

(2) Copies of all evaluations covering the Sailor's entire career; and

(3) Certification of satisfactory completion and level of treatment, if the offense is alcohol-related. Comments shall address the Sailor's success, certification of completion, and level of treatment.

8. Submission

a. All electronic correspondence (e-mail) regarding Navy personnel which contains personal identifiable information (PII) shall be digitally signed, PKI-encrypted and submitted to advancements-active@navy.mil. In the event that encryption is not possible, the only other authorized means of electronically transmitting PII is through use of Safe Access File Exchange (SAFE). SAFE can be accessed via the following Web link: <https://safe.amrdec.army.mil/safe>. Once you have submitted the documents via SAFE, notify NAVPERSCOM (PERS-812).

b. Any hard-copy correspondence must be pre-coordinated before mailing to NAVPERSCOM (PERS-812). If used, all hard-copy correspondence regarding Navy personnel which contains PII shall

(1) be double-wrapped with the inner layer labeled "FOR OFFICIAL USE ONLY-PRIVACY SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties;"

(2) Use the DD 2923 "Privacy Act Data Cover Sheet", as appropriate. DD 2923 may be accessed by using the following Web address: <http://www.dtic.mil/whs/directives/forms/dd/ddforms2500-2999.htm>;

(3) Be mailed to only those with an official need to know;

(4) Be sent via a mailing service that can provide tracking information; and

(5) Be handled per Department of Defense privacy directives.